

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2278 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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M.Y. PEERZADA

Versus

STATE OF GUJARAT

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Appearance:

MR SR BRAHMBHATT for Petitioners

MRS SIDDHI TALATI for Respondent

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 25/09/97

ORAL JUDGEMENT

Heard the learned counsel for the parties.

2. The petitioners, Personal Assistants (Stenographers Gr.I) working in the respective District and Sessions Courts in the State of Gujarat, filed this special civil application and prayed therein for direction to the respondent-Government to prepare and maintain a combined seniority list of Grade I

Stenographers working in different districts and to award the Selection Grade accordingly. Further prayer has been made for declaration that the petitioners are entitled to Selection Grade on the basis of their reaching the stage of Rs.880/- and directing the Government to grant the Selection Grade to the petitioners as and when they reach the stage of Rs.880/-.

3. The petitioners' grievance is that the Government is making a discrimination in the matter of awarding of the selection grade in between the Stenographers working in the Sachivalaya and those working in the district courts. Earlier a litigation has come up before this Court and decision of the L.P.A. given in one of the cases is filed on the record of this special civil application. The special civil application No.1957/80 has been decided by this Court wherein the learned Single Judge of this Court directed the State to accord the same treatment to the petitioners therein in respect of the selection grade as has been done in the cadre of Stenographer Grade I attached to the Sachivalaya. It appears that the earlier special civil application was also of the Stenographers Grade I of the judicial department. The Government has taken up this matter in L.P.A. and there the Government advocate appearing on instruction of the Government has in fact accepted the grievance of those persons. However, it was urged that the conversion of the posts of Stenographers Grade I, in the High Court and subordinate judiciary into Selection Grade posts should be subject to such Rules as are applicable to the Stenographers Grade I in Sachivalaya from time to time. To this statement of the Government Advocate, the counsel who was appearing for the respondents therein has consented. The counsel for the respondents therein has admitted that if the respondents are promoted on the basis of verification of service as on 1-7-1979 and those who have completed 12 years are promoted to the Selection Grade as on 1-7-1979 on that basis, they have no objection to further promotions to Selection Grade being limited until such time as the proportion reaches 20% or such other proportion as may be prescribed for Sachivalaya Stenographers Grade I from time to time. The Division Bench has made clear it that whatever is the formula applicable from time to time to Sachivalaya Stenographers must apply to the Stenographers of the High Court as also subordinate judiciary from time to time and the L.P.A. was disposed of in the aforesaid consent term and the order of the learned Single Judge has been ordered to be modified to the extent of imposing a limitation as mentioned in the order of the Division Bench.

4. The counsel for the parties are in agreement that this special civil application may also be disposed of in terms in which the special civil application No.1957/80 has been disposed of subject to the modification made in the order of the learned Single Judge by the Division Bench in L.P.A. No.386/83.

5. In the result, this special civil application stands disposed of in terms of the orders passed by this Court in special civil application No.1957/80 and L.P.A. No.386/83. The petitioners shall be entitled for all the consequential benefits which follow therefrom. The respondent is directed to pass necessary order for giving the petitioners consequential benefits. The arrears, if any, payable to the petitioners as a consequence thereof shall also be determined and thereafter make the payment of arrears to the respective petitioners. The aforesaid exercise has to be undertaken within a period of six months from the date of receipt of certified copy of this order. The special civil application and rule stand disposed of in the aforesaid terms with no order as to costs.

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zgs/-